

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>168<sup>TH</sup> &amp; DODGE, LP, et al.</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>8:03CV171</b>
	)	
<b>RAVE REVIEWS CINEMAS, LLC,</b>	)	<b>ORDER</b>
	)	
<b>Defendant.</b>	)	

The record shows that defendant wishes to serve document subpoenas to current tenants of the Village Pointe Shopping Center. Plaintiffs object to the issuance of the subpoenas.

Pursuant to NECivR 45.1(c),

**IT IS ORDERED:**

1. Defendant's MOTION FOR HEARING ON UNRESOLVED OBJECTION TO ISSUANCE OF SUBPOENA TO THIRD PARTY (Filing 70) is granted.
2. The matter of defendant's issuing third-party subpoenas to the tenants of Village Pointe Shopping Center is set for hearing on **Monday, May 16, 2005 at 10:00 a.m.** in Courtroom No. 6, second floor, Roman L. Hruska United States Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska.
3. Defense counsel from Kansas City, Missouri may participate by telephone. Counsel shall contact the court at 402-661-7340 at least one day prior to the hearing to make the necessary arrangements.
4. The parties shall electronically file any briefs and evidentiary materials related to the merits of this issue before **May 10, 2005**.

**DATED April 28, 2005.**

**BY THE COURT:**

s/ F.A. Gossett  
United States Magistrate Judge